UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/452,952	12/02/99	FREDERICK P	A-21599

WM21/0406

VENABLE
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EXAMINER	
WONG, A	
ART UNIT	**PAPER NUMBER**
2613	9

DATE MAILED: 04/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/452,952	FREDERICK, PAUL J.	
	Examiner	Art Unit	
	Allen Wong	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/12/01 have been fully read and considered but they are not persuasive.

The amendment to claim 1, the limitation of "sporting event" changed to "racing event" does not overcome the current reference of Matthews because Matthews discloses a method for distributing sporting event images (col.1, lines 20-29). Matthews discloses baseball and tennis matches as possible examples for distributing sporting event images. Clearly, a racing event is a sporting event as suggested by Matthews. As discussed before in the personal interview on 1/17/01, Matthews' system can be used for racing, boxing, football, basketball, etc...

As disclosed before in the interview on 1/17/01, the differences between Matthews and the present invention were discussed. The Examiner stressed that the location of the camera was not considered patentably significant. Court law discloses that it would have been obvious to one of ordinary skilled to easily arrange parts or cameras to display desired angles and views based on one's preference and the mere change of camera angles and views does not yield any unexpected results (In re Japikse, 86 USPQ 70 (CCPA 1950)). Therefore, the shifting of location of parts is an unpatentable feature.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Thus, it is reasonable to shift the location of a camera to obtain a desired angle or view for displaying the sporting event for one's convenience.

With regards to claim 2, page 6, lines 9-10 of applicant's remarks, applicant discloses that Vancelette fails to teach or suggest equipping each participant his or her own microphone or camera. From the previous Office Action, paper No.4, Vancelette discloses an audio feed of the sporting event's participants (col.5, lines 42-47; note "field level audio feed" can be broadly interpreted as listening to an audio feed of the sporting event's participants). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Matthews and Vancelette for allowing the viewer to experience the participant's perspective and provide a sense of realism.

Regarding claim 9 of applicant's remarks on page 7, line 6, applicant asserts that Vancelette fails to teach the tracking feature recited in claim 9. Again, as stated before in the previous Office Action in paper No. 4 and in the personal interview on 1/17/01, Vancelette's "rating scheme" can be broadly interpreted as tracking viewer's requests for camera feed because the "rating scheme" is a way for one to track what viewers are watching. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Matthews and Vancelette for obtaining a full and complete report on what the viewers like and dislike on television.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-6, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368).

Regarding claim 1, Matthews discloses a method for distributing video images of a racing event comprising the steps of providing each of a plurality of participants in said event with a video camera (see fig.2; note cameras 42-48 captures images from seven different locations on a baseball field, a sporting event, like camera 42 captures images from the center field position and camera 48 captures images from third base, etc.), providing each of said cameras with a respective transmitter (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information) for transmitting information regarding video images generated by the camera, providing retransmission equipment (see fig.4 and col.5, lines 36-46; note set-top box 24 is the retransmission equipment for receiving the video information and directing the information to the remote viewers' locations, to the television 20 in fig.1) for receiving information transmitted by the transmitter and directing information regarding video images from

each of the plurality of cameras to respective channels for remote viewing at viewers' locations, providing channel selectors (col.5, lines 33-35; note element 74 is a channel selector) that permit viewers to select from among the channels, simultaneously operating said cameras during the entertainment event so as to generate a plurality of camera feeds during the event (see fig.2), each feed reflecting a perspective of a respective participant (see fig.2; note each camera from 42-48 reflect a different view of each different respective camera position), transmitting the plurality of feeds to the retransmitting equipment (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information), and retransmitting the feeds to said channels, such that a viewer is allowed to select from a plurality of said channels (col.5, lines 33-35; note element 74 is a channel selector) to thus enable viewing of the sporting event through the perspective of one or more participants of greatest interest to the particular viewer.

Although Matthews may not appear to disclose the teaching of seeing perspectives of all participants at all angles, Matthews does teach that the event can be seen in numerous views from all participants. Also, the system disclosed by the applicant is reminiscent from the real NASCAR scene, NASCAR 95 (ie. video game), and helmet cameras installed on race cars, Arena Football League players dating back to 1990. Therefore, it would have been obvious for one of ordinary skill in the art to

place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene.

Note claim 14 has similar corresponding elements.

Claims 4-6, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368) for the same reasons as set forth in the previous Office Action, paper No. 4.

Claims 2, 3, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews in view of Vancelette (5,894,320) for the same reasons as set forth in the previous Office Action, paper No. 4.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AW
April 5, 2001

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600